

RANDY JOHNSON,	)	Case No. 2:14-cv-01326-JCM-NJK
Plaintiff(s),		ORDER
vs.		(Docket Nos. 31, 32, 36, 37)
JAMES COX, et al.,		
Defendant(s).		

On July 20, 2015, the Court granted Plaintiff's motion to correct the names of two defendants as they appeared in the complaint. Docket No. 21. The Court ordered Plaintiff to file a second amended complaint correcting those two names but otherwise making no changes. *See id.* at 1. Despite several attempts, Plaintiff has not been able to comply to date. *See, e.g.*, Docket No. 36 (further amended complaint that is not the same as the amended complaint except for the change to these two defendants' names). The Court hereby **INSTRUCTS** the Clerk's Office to mail Plaintiff a copy of his first amended complaint (Docket No. 5). Plaintiff is instructed to write on the first page of that document the words "Second Amended Complaint," and to change the names of the two relevant defendants throughout that document. Plaintiff shall otherwise make no changes to the document. Plaintiff shall then file the Second Amended Complaint no later than December 4, 2015. This is Plaintiff's final chance to comply. The failure to comply with this order will result in the case moving forward based on the first amended complaint.

1 Based on the above, Plaintiff's attempted filing of a second amended complaint at Docket No.  
2 36 is hereby **STRICKEN**. Consequently, Defendants' motion to strike (Docket No. 37) is hereby  
3 **DENIED** as moot.<sup>1</sup>

4 Lastly, given that the pleadings have not been settled, the undersigned has consulted with United  
5 States District Judge James C. Mahan and the motion for summary judgment (Docket No. 31) is hereby  
6 **DENIED** without prejudice. The motion for leave to file excess pages (Docket No. 32) is therefore  
7 **DENIED** as moot. The deadline to file dispositive motions is hereby **EXTENDED** to February 5, 2016.

8 IT IS SO ORDERED.

9 DATED: November 4, 2015

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NANCY J. KOPPE  
United States Magistrate Judge  
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28 <sup>1</sup> The Court notes that Defendants' motion to strike is premised on timeliness arguments, but fails  
to acknowledge that the filings of prisoners are subject to the mailbox rule. *See, e.g., Schroeder v.*  
*McDonald*, 55 F.3d 454, 459 (9th Cir. 1995).